

## Chapter 16.86

### ACCESSORY DWELLING UNITS

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#### **16.86.010      Purpose**

The California Legislature has declared that accessory dwelling units are a valuable and essential component of California's housing supply. The purpose of this Section is: to incorporate Sections 65852.2 and 65852.22 of the California Government Code requirements regarding accessory dwelling units into the City's regulations and design standards; to ensure that accessory dwelling units that are located in residential districts are done in a manner which protects the integrity of the residential district and do not adversely impact either adjacent residential parcels or the surrounding neighborhood; while providing for needed housing opportunities. (Ord. 904, §1, 2021)

#### **16.86.020      Definitions**

A. Accessory Dwelling Unit (ADU): An attached or detached residential unit, which provides complete, independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling unit. An Accessory

Dwelling Unit also includes the following as required by Government Code Section 65852.2:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code for occupancy by no more than two persons which have a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities.

2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. Attached Accessory Dwelling Unit: An ADU that shares a common wall with the primary unit, either by being constructed as a physical expansion (i.e., addition) of a primary unit, conversion of existing garage attached to a primary unit, conversion of existing habitable floor space within the primary unit, or installation of a new basement underneath an existing primary unit.

C. Car Share Vehicle: A type of car rental where people rent cars for short periods of time, often by the hour, with a designated pick up and drop off location. The organization renting the cars may be a commercial business or the users may be organized as a company, public agency, cooperative, or ad hoc grouping. A Car Share Vehicle does not include automobile rentals on-site.

D. Detached Accessory Dwelling Unit: An ADU that is constructed as a separate structure from the primary unit, or is created through conversion (full or partial) of an existing legally-constructed detached accessory building, including a detached garage, into an accessory dwelling unit.

E. Junior Accessory Dwelling Unit (JADU): A unit that is no more than 500 square feet in size and is contained entirely within the walls of a proposed or existing single-family residence which provides living facilities for one or more persons, including an efficiency kitchen as defined in §65852.22 of the Government Code. Junior Accessory Dwelling Units are limited to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

F. Owner Occupied: A unit occupied by a person who has an ownership interest in the unit and also occupies a unit on the property as their primary residence.

G. Primary Unit: The building (or portion of the building in cases of an attached accessory dwelling unit) in which the principal residential use of the lot takes place. An accessory dwelling unit cannot constitute the primary unit.

H. Public Transit Stop: A signed and designated bus stop, train stop or other public transit station. (Ord. 904, §1, 2021)

### **16.86.030      Applicability**

The provisions of this Chapter apply to all lots with a proposed or existing single-family or multifamily dwelling unit and are zoned residential, except that accessory dwelling units are not allowed in any Planned Development Overlay District. Accessory Dwelling Units shall not factor into the calculation of the density of the lot for the purposes of allowable density. The Accessory Dwelling Unit shall be a residential use that is deemed consistent with the existing General Plan and zoning designation for the lot. (Ord. 904, §1, 2021)

### **16.86.040      Application and Review Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units**

A. Permit Required: An Accessory Dwelling Unit permit and a building permit are required for every Accessory Dwelling Unit, including Junior Accessory Dwelling Units (JADUs).

B. Application for Permit: Applications for an Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit shall be submitted to the Department of Planning and Economic Development accompanied by all required fees, project plans (drawn to scale) depicting all onsite improvements, the location of the primary residence and the proposed Unit. Applications must be signed by the owner of the property. The project plan shall also include location of existing trees and structures, architectural elevations showing the proposed Unit and its relation to the primary residence, a description of building

materials, landscaping, exterior finishes to be used, parking to be provided and any other information required by the Department of Planning and Economic Development to determine whether the proposed Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit conforms with the requirements of this Chapter.

C. Ministerial Review/Processing: On lots with an existing single-family or multifamily dwelling, an application for an Accessory Dwelling Unit shall be approved ministerially within 60 days of submission of a complete application provided it is in compliance with all requirements of this Chapter. Prior to issuance of a building permit for an Accessory Dwelling Unit, the Planning Director shall issue an “ADU/JADU Clearance Letter” which establishes that all applicable development standards of this Chapter are met.

D. Payment of Impact and Utility Fees: Any applicable impact and/or utility connection and capacity fees shall be paid at the time the building permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is issued. Any impact or utility connection or capacity fees for Accessory Dwelling Units shall be determined by the City Council and shall be approved and adjusted by Resolution. The fees applicable to Accessory Dwelling Units shall be determined by the following criteria.

1. Detached Units Under 750 Square Feet: The City shall not charge any impact fees for Accessory Dwelling Units less than 750 square feet in size. The City may charge connection and capacity fees for water and sewage connections for detached accessory units in proportion to their size relative to the square footage of the primary residence.

2. Attached Units: The City shall not impose any connection or capacity fees upon Accessory Dwelling Units or Junior Accessory Dwelling units constructed within an existing primary structure. However, the City may impose connection and capacity fees upon attached Accessory Dwelling Units constructed with a new single-family home.

3. Detached Units of 750 Square Feet and Greater:

The City shall impose impact fees upon detached Units of 750 square feet or more in proportion to their size relative to the square footage of the primary residence.

4. School Fees: Any Accessory Dwelling Unit greater than 500 square feet pursuant to Section 17620 of the Education Code shall pay school district impact fees as imposed by Ripon Unified School District. (Ord. 904, §1, 2021)

**16.86.050 Development/Design Standards**

This Section provides for the establishment of Accessory Dwelling Units and Junior Accessory Dwelling Units permitted as set forth under Section 65852.150 and 6582.2 of the Government Code. All Accessory Dwelling Units shall comply with the following standards:

A. Number Allowed:

Only one (1) Accessory Dwelling Unit and one (1) Junior Accessory Dwelling Unit is permitted per lot that contains or is proposed to contain one (1) primary dwelling.

B. Size: The minimum size for an Accessory Dwelling Unit shall be no less than the square footage established for “efficiency units”. The maximum size of any Accessory Dwelling Unit, including conversions of accessory structures, shall not exceed eight-hundred fifty (850) square feet, or one thousand (1,000) square feet for an ADU providing more than one bedroom.

C. Number of Bathrooms: The maximum number of bathrooms of an Accessory Dwelling Unit shall not exceed one (1) bathroom.

D. Addressing: Accessory Dwelling Units and/or Junior Accessory Dwelling Units shall have the same address as the primary unit. Accessory Dwelling Units that have front access (non-alley) shall have a “B” suffix (i.e. 1241-B) and Accessory Dwelling Units that have rear (alley) access shall have an “A” suffix (i.e. 1241-A). Junior Accessory Dwelling Units shall have a “C” suffix (i.e. 1241-C). The resident owner shall install address signs that are clearly visible from the street during both daytime and evening hours and which plainly indicate that two or more

separate units exist on the lot, as required by the Fire Marshal. The resident owner shall obtain the new street address for the Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit from the Planning Department and shall obtain approval from the Fire Marshal for the placement of such new address markings.

E. Compliance with Standards and Codes: Except as otherwise set forth herein, Accessory Dwelling Units must comply with all requirements relating to architectural review, site plan review, fees and charges, and all applicable building, fire, health and safety codes and zoning standards that apply to the primary residence. Accessory Dwelling Units shall not be required to provide fire sprinklers if they are not or were not required of the primary residence.

F. Attached Accessory Dwelling Units: An Accessory Dwelling Unit that is attached to an existing primary dwelling may have side and rear setbacks of four (4) feet minimum. Accessory Dwelling Units created within an existing primary dwelling shall comply with all height, building coverage, yard areas, and setback requirements for the primary dwelling. The following provisions shall also apply to attached Accessory Dwelling Units:

1. Independent Access: Exterior access shall be provided independently from the primary dwelling for all Accessory Dwelling Units.

2. Unit Separation: Attached units and units that are within the primary dwelling may maintain an interior connection to the primary dwelling provided there is a fire-rated door separating the units that is lockable on both sides.

3. Expansion for Ingress and Egress: An expansion of an Accessory Dwelling Unit built within an existing primary dwelling shall be granted only if necessary to accommodate ingress and egress. Such an expansion shall not exceed 150 square feet.

G. Detached Accessory Dwelling Units: An Accessory Dwelling Unit that is constructed as a detached structure or created through the conversion of an existing accessory structure shall comply with the following provisions:

1. Accessory Dwelling Units that are not conversions of existing structures may have Interior side (non-street side) and rear setbacks of four (4) feet minimum. All Accessory Dwelling Units shall have front setbacks that comply with the same standards that are applicable to the main unit. Side yard setbacks on the street-side of a corner lot shall also comply with the same standards that are applicable to the main unit. Notwithstanding setbacks in Chapter 16.140.030, no setback shall be required for an existing garage or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an Accessory Dwelling Unit.

2. Detached Accessory Dwelling Units shall not exceed 16 feet in height as measured and defined under "Building Height" in Chapter 16.12 of this code and shall be limited to one-story, except that an existing 2nd story space (e.g. game room, office or storage space) may be converted to an Accessory Dwelling Unit so long as all other requirements of this chapter are met.

#### H. Accessory Dwelling Unit Design Standards:

1. Attached Unit: The design of an attached Accessory Dwelling Unit shall appear as an integral part of the primary dwelling and incorporate the same materials, colors and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements.

2. Detached Unit: The design of a detached Accessory Dwelling Unit shall be subordinate to the primary dwelling in terms of massing, height and building footprint. The detached building shall exhibit residential character and complement the primary dwelling in terms of proportions, roof form, and basic architectural features.

3. Utilities: Unless constructed with a new single-family home, an attached Accessory Dwelling Unit shall not be required to have a separate utility connection between the Unit and the utility. Subject to his or her discretion, the Planning Director may require a new or separate water and sewage connection to a detached

Accessory Dwelling Unit. All new utilities for detached Accessory Dwelling Units shall be installed underground. All utilities, including water, sewer, electric and gas, etc., shall be limited to one service. Noise generating equipment/devices (i.e., compressors, air conditioning units, etc.) shall not be located within the rear (excepting units on lots with alley access) or side yard adjacent to adjoining property line.

I. Non-conforming or substandard lots: For non-conforming or substandard lots, including, but not limited to "Flag Lots", approval to construct an Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be contingent upon a finding by the Planning Director, the Chief of Police and the Ripon Consolidated Fire District Chief that sufficient access to the lot exists, and that construction of the proposed ADU or JADU in conjunction with the construction of a residential unit does not pose a fire or other public safety hazard. (Ord. 904, §1, 2021)

#### 16.86.060 **Parking Standards**

The parking requirement for an Accessory Dwelling Unit shall be one off-street parking space per unit. This space shall comply with all requirements set forth in Chapter 16.144 Parking and Loading. Notwithstanding Chapter 16.144, this space may be provided as tandem parking, including on an existing driveway or in a side or rear yard area, unless specific findings are made by the Community Development Director that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions.

A. Exceptions: Notwithstanding the parking requirement in this section, no off-street parking shall be required for an Accessory Dwelling Unit in any of the following instances:

1. The Accessory Dwelling Unit is within an existing primary dwelling or an existing accessory structure.

2. The Accessory Dwelling Unit is located within one-half (½) mile of a public transit stop or station.

3. The Accessory Dwelling Unit is located within an architecturally and historically significant historic district.

4. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.

5. When there is a "Car Share Vehicle" located within one (1) block of the Accessory Dwelling Unit.

6. When a garage, carport, or covered parking structure is converted to, or demolished in conjunction with the construction of, an Accessory Dwelling Unit, but not a Junior Accessory Dwelling Unit. (Ord. 904, §1, 2021)

#### **16.86.070 Junior Accessory Dwelling Units**

A. All the requirements under this chapter apply equally to Junior Accessory Dwelling Units as defined in section 16.86.020 of this chapter, unless stated otherwise in this section.

B. JADUs shall be created within the walls of the proposed or existing single-family residence, including attached garages. JADUs created in an attached garage are not subject to the same parking protections as ADUs defined in section 16.86.060 of this code. Any JADU proposed within a garage shall be required to provide covered replacement parking as approved by the Planning Director.

C. JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence.

D. The maximum floor area for a junior accessory dwelling unit shall not exceed five hundred (500) square feet.

E. No additional parking is required for a junior accessory dwelling unit, except if you convert your attached garage, in which case parking must be replaced.

F. All junior accessory dwelling units shall include, at a minimum, an "Efficiency Kitchen" as defined in §65852.22 of the Government Code and living area. It may include separate sanitation facilities or may share sanitation facilities with the existing structure. Exterior access for a JADU is required from the proposed or existing single-family dwelling. (Ord. 904, §1, 2021)

#### **16.86.080 Occupancy, Rental and Sale Limitations**

Before issuing a building permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit the property owner shall file with the San Joaquin County Recorder a declaration or an agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

A. For an accessory dwelling unit:

1. The Accessory Dwelling Unit shall not be sold separately from the primary dwelling; and

2. The Accessory Dwelling Unit shall not be rented for a period of less than thirty (30) days; and

3. Starting January 1, 2025, for all Accessory Dwelling Units constructed after that date, the property owner shall occupy either the primary residential unit or the Accessory Dwelling Unit on the property. If neither unit is owner-occupied, then the use of the property shall revert to a single-family occupancy. However, governmental agencies, land trusts, or housing corporations owning properties shall be exempt from this owner-occupancy requirement; and

a. Nothing in this section shall be construed to prohibit one or both of the units remaining vacant. This owner-occupancy requirement may be temporarily waived for a period of not more than one (1) year if the Planning Commission finds that the owner has an unavoidable reason for absence and if the owner appoints in writing another person to occupy and take responsibility for maintaining the property. All properties approved for Accessory Dwelling Units and Junior Accessory Dwelling Units must be maintained at a level consistent with the neighborhood in which it is located.

4. Prior to obtaining a building permit for an accessory dwelling unit, the property owner shall file with the San Joaquin County Recorder a Deed Restriction which has been approved by the City Attorney as to its form and content. The restrictions shall be binding upon any successor in ownership of the property and lack of

compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain an accessory dwelling unit on the property.

B. For a Junior Accessory Dwelling Unit:

1. The Junior Accessory Dwelling Unit shall not be sold separately from the primary dwelling; and

2. The Junior Accessory Dwelling Unit shall not be rented for a period of less than thirty (30) days; and

3. The Junior Accessory Dwelling Unit is restricted to the maximum size allowed per the development standards established in this chapter; and

4. The property owner shall occupy either the primary residential unit or the Junior Accessory Dwelling Unit. If neither unit is owner-occupied, then the use of the property shall revert to a single-family occupancy. However, governmental agencies, land trusts, or housing corporations owning properties shall be exempt from this owner-occupancy requirement; and

a. Nothing in this section shall be construed to prohibit one or both of the units remaining vacant. This owner-occupancy requirement may be temporarily waived for a period of not more than one (1) year if the Planning Commission finds that the owner has an unavoidable reason for absence and if the owner appoints in writing another person to occupy and take responsibility for maintaining the property. All properties approved for Accessory Dwelling Units and Junior Accessory Dwelling Units must be maintained at a level consistent with the neighborhood in which it is located.

5. Prior to obtaining a building permit for a junior accessory dwelling unit, the property owner shall file with the San Joaquin County Recorder a Deed Restriction which has been approved by the City Attorney as to its form and content. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain an

accessory dwelling unit on the property. (Ord. 904, §1, 2021)

**16.86.090 Existing Accessory or Junior Accessory Dwelling Units - Amnesty**

A. Nonconforming Status: An existing Accessory Dwelling Unit or Junior Accessory Dwelling Unit that does not comply with the requirements of this Chapter shall be considered a nonconforming unit. If a property owner wishes to alter an existing nonconforming unit, the requirements of this Chapter shall apply to the proposed alteration.

B. Certificate of Legalization: Record owners of an Accessory Dwelling Unit constructed before the effective date of this Chapter, who wish to legalize said units without penalty, may obtain a certificate of legalization from the Building Official by complying with the following:

1. Provide evidence to the satisfaction of the Building Official that the Accessory Dwelling Unit or Junior Accessory Dwelling Unit was constructed prior to the effective date of this Chapter.

2. Provide a plan of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit showing it does not exceed the maximum size allowed by this Chapter.

3. Provide the Building Official with a property inspection report for the Accessory Dwelling Unit from a licensed contractor, or property inspector, which report shall be subject to verification and requirements for correction of any code violations by the Department of Planning and Economic Development and/or Building Department.

4. Correct any health and safety defects in construction and comply with all applicable building, fire, health and safety codes and zoning standards in effect at the time of original construction of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit to the satisfaction of the Building Official.

5. Pay all required fees. (Ord. 904, §1, 2021)